

AMENDED IN SENATE MAY 27, 2005
AMENDED IN SENATE APRIL 26, 2005
AMENDED IN SENATE APRIL 11, 2005
AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 689

Introduced by Senator Speier
(Principal coauthor: Senator Denham)
(Principal coauthor: Assembly Member Lieber)
(Coauthors: Senators Bowen, *Figueroa*, Kuehl, and Scott)
(Coauthors: Assembly Members Benoit, Jones, Leno, Maze, Pavley,
and Sharon Runner)

February 22, 2005

An act to amend Section 12811 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 689, as amended, Speier. Vehicles: organ and tissue donors: registry.

Existing law requires the Department of Motor Vehicles, upon issuance of a new driver's license or a renewal of a driver's license or the issuance of an identification card, to provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry with instructions for mailing the completed form to the California Organ and Tissue Donor Registrar, and including a donor dot that may be affixed to the new driver's license or identification card.

This bill would require the department to collect donor designation information on all applications for an original or renewal driver's license or identification card.

The bill would require the department to electronically transmit donor designation information on a weekly basis to the California Organ and Tissue Donation Registrar.

The bill would require the department to print the word "DONOR" or another appropriate designation on the face of a driver's license or identification card issued to certain persons registered as donors.

The bill would authorize a person who applies for an original or renewal driver's license, or identification card to designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ and tissue donation. The bill would require this contribution to be collected by the department, and treated as a voluntary contribution to the California Organ and Tissue Donor Registry and not as a fee for issuance of a driver's license or identification card.

The bill would prohibit the department from using more than an unspecified percentage of the donations collected under these provisions to cover certain of its actual administrative costs and would require the department to transmit the remaining funds to the registrar for support of the registry.

The bill would authorize a person between the age of 16 and 18 to designate himself or herself as an organ and tissue donor, subject to that person's legal guardian making the final decision regarding the donation.

The bill would become operative date on July 1, 2006.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12811 of the Vehicle Code is amended
- 2 to read:
- 3 12811. (a) (1) (A) When the department determines that the
- 4 applicant is lawfully entitled to a license, it shall issue to the
- 5 person a driver's license as applied for. The license shall state the
- 6 class of license for which the licensee has qualified and shall
- 7 contain the distinguishing number assigned to the applicant, the
- 8 date of expiration, the true full name, age, and mailing address of
- 9 the licensee, a brief description and engraved picture or

1 photograph of the licensee for the purpose of identification, and
2 space for the signature of the licensee.

3 (B) Each license shall also contain a space for the endorsement
4 of a record of each suspension or revocation thereof.

5 (C) The department shall use whatever process or processes, in
6 the issuance of engraved or colored licenses, that prohibit, as
7 near as possible, the ability to alter or reproduce the license, or
8 prohibit the ability to superimpose a picture or photograph on the
9 license without ready detection.

10 (2) In addition to the requirements of paragraph (1), a license
11 issued to a person under 18 years of age shall display the words
12 “provisional until age 18.”

13 (b) (1) The front of an application for an original or renewal
14 of a driver’s license or identification card shall contain a space
15 for any applicant, age 16 or older, to give his or her consent to be
16 an organ and tissue donor upon death. An applicant who gives
17 consent shall be directed to read a statement on the back of the
18 application that shall contain the following statement:

19 “If you marked on the front of the application that you want to
20 be an organ and tissue donor upon death, your consent shall serve
21 as a legally binding document as outlined under the California
22 Uniform Anatomical Gift Act. Except in the case where the
23 donor is under the age of 18, the donation does not require the
24 consent of any other person. For donors under the age of 18, the
25 legal guardian of the donee shall make the final decision
26 regarding the donation. If you want to change your decision to
27 consent in the future, or if you want to limit the donation to
28 specific organs or tissues, you must contact Donate Life Organ
29 and Tissue Donor Registry by mail at 1760 Creekside Oaks
30 Drive, #160, Sacramento, CA 95833, or through the World Wide
31 Web at www.donateLIFEdcalifornia.org, or
32 www.doneVIDAcalifornia.org.”

33 (2) Notwithstanding any other provision of law, a person
34 under age 18 may register as a donor. However, the legal
35 guardian of that person shall make the final decision regarding
36 the donation.

37 (3) The department shall collect donor designation information
38 on all applications for an original or renewal driver’s license or
39 identification card.

1 (4) The department shall print the word “DONOR” or another
2 appropriate designation on the face of a driver’s license or
3 identification card to a person who registered as a donor on a
4 form issued under this section.

5 (5) On a weekly basis, the department shall electronically
6 transmit to the California Organ and Tissue Donation Registrar
7 all of the following information on every applicant that has
8 indicated his or her willingness to participate in the organ
9 donation program:

10 (A) His or her true full name.

11 (B) His or her residence or mailing address.

12 (C) His or her date of birth.

13 (D) His or her California driver’s license number or
14 identification card number.

15 (6) (A) A person who applies for an original or renewal
16 driver’s license or identification card may designate a voluntary
17 contribution of two dollars (\$2) for the purpose of promoting and
18 supporting organ and tissue donation. This contribution shall be
19 collected by the department, and treated as a voluntary
20 contribution to the California Organ and Tissue Donor Registry
21 and not as a fee for the issuance of a driver’s license or
22 identification card.

23 (B) The department may use not more than ____ percent of
24 the donations collected under this paragraph to cover its actual
25 administrative costs incurred under paragraphs (3) to (5),
26 inclusive. The department shall transmit all revenue derived
27 under this paragraph and remaining after the department’s
28 deduction for administrative costs to the registrar for support of
29 the registry.

30 (7) The registry enrollment form shall be posted on the
31 Internet Web sites for the department and the California Health
32 and Human Services Agency.

33 (8) The enrollment shall constitute a legal document under the
34 Uniform Anatomical Gift Act (Chapter 3.5 (commencing with
35 Section 7150) of Part 1 of Division 7 of the Health and Safety
36 Code) and shall remain binding after the donor’s death despite
37 any express desires of next of kin opposed to the donation.
38 Except as provided in paragraph (2) of subdivision (b), the
39 donation does not require the consent of any other person.

1 (9) The registrar shall ensure that all additions and deletions to
2 the registry shall occur within 30 days of receipt.

3 (10) Information obtained by the registrar for the purposes of
4 this subdivision shall be used for these purposes only and shall
5 not be disseminated further by the registrar.

6 (c) A public entity or employee shall not be liable for any loss,
7 detriment, or injury resulting directly or indirectly from false or
8 inaccurate information contained in the form provided pursuant
9 to subdivision (b).

10 (d) A contract shall not be awarded to any nongovernmental
11 entity for the processing of driver's licenses, unless the contract
12 conforms to all applicable state contracting laws and all
13 applicable procedures set forth in the State Contracting Manual.

14 *SEC. 2. Section 1 of this act shall become operative on July 1,*
15 *2006.*